

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

August 7, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, AUGUST 7, 2015, BEGINNING AT 9:00 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Maui County Council will please come to order.

Mr. Clerk, will you please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBERS G. RIKI HOKAMA AND MICHAEL P. VICTORINO.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are seven Members present and two Members "excused". A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk. And for this morning's opening remarks, they'll be provided by Member Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

OPENING REMARKS

The opening remarks were offered by Councilmember Don Couch.

CHAIR WHITE: Thank you, Mr. Couch.

And Members and the audience, will you please rise and recite the Pledge of Allegiance with me.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you. And, before we proceed with the agenda this morning, would you please all make sure you've turned off your cellphones so we won't have the number of interruptions we had yesterday.

Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 15-92

CONGRATULATING FLECHA TOVAR
FOR BEING CROWNED
MS. HAWAII AMERICA 2015

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"CONGRATULATING FLECHA TOVAR FOR BEING
CROWNED MS. AMERICA HAWAII 2000, MS. AMERICA
HAWAII 2015".

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Ms. Baisa.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. May I request that the Clerk read the reso in its entirety?

CHAIR WHITE: Yes. Mr. Clerk, please proceed.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I just want to say a few words about Flecha. When, when she was a child, she watched Miss America pageants and dreamed of walking on the runway wearing the crown and sash, and carrying a bouquet of roses. However, this busy mother of two never competed in the pageant until a friend told her about the Ms. America contest.

This pageant is different in that it is open to women 26 and older who can be single, divorced, or married, and who are out in the workforce. Contestants choose a cause they want to promote and are encouraged to "use the crown for a purpose".

With the realization that winning the pageant would fulfill a lifelong dream and provide her with an opportunity to serve her community, Flecha decided to make the pageant a personal challenge to see what she could achieve. She worked hard both physically and mentally to prepare for the competition. She vowed to be genuine and unrehearsed with the judges.

The pageant director in Honolulu said that the quality that made Flecha such an out, standout was her self-confidence and the friendly outgoing personality that just shines through when you talk to her.

Flecha knows that winning the title was just the beginning of the journey. She plans to use this next year to work with Maui's foster children and raise awareness of their

needs. If chosen to be Ms. America, she will extend her work throughout the State and across the mainland.

As always, our community is fortunate to have someone like Flecha who is committed to helping others and making Maui a better place. We wish her all the best when she travels to California later this month to represent Hawaii at the Ms. America Pageant. I ask the Members for their full support of this reso.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion on this matter? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Measure passes. Oh, I'm sorry, I'm supposed to ask about "noes". Any "noes"?

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes"; zero "noes"; two "excused", Mr. Hokama and Mr. Victorino.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. May I request that the, Ms. Tovar come up and talk to us, and have the Members congratulate her. Thank you.

CHAIR WHITE: Yes.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

And, it's my pleasure to introduce to the Members and the audience, Flecha Tovar, and present her with the certificate or a copy of the certificate. She'll get the signed one later.

MS. FLECHA TOVAR: Aloha, Mr. Chairman, and Members of the Council. Thank you on behalf of my family and my supporters for this wonderful honor.

The title of Ms. Hawaii America means more than winning a beauty contest. The purpose of the pageant is to empower women and to use the crown to raise awareness on an issue of importance and to work with others to make a situation better.

My purpose this year is to raise the issue of child abuse and neglect, and the need to improve our foster care system. I have been a foster child and this issue reaches deeply into my life. Children are our most precious resource and they deserve our best effort so that they can live in strong families and grow up to be healthy, contributing members of the community. Your recognition today is not about Flecha Tovar. Instead, it helps to spotlight an important issue that can be difficult to discuss, and yet must be addressed when we advocate for our children.

Again, thank you for your kindness. And I hope to be of credit to Hawaii and the people of Maui County. Mahalo.

CHAIR WHITE: Thank you very much.

Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-92.

Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

Pursuant to the Rules of the Council, each testifier may be allowed to testify for up to three minutes. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office and there is no one waiting to testify, but I am expecting testifiers.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, we have three individuals who have signed up to testify in the Council chamber. The first person to testify in the chamber is Sydney Smith testifying on Committee Report 15-91. Sydney Smith will be followed by William Jacintho.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. SYDNEY SMITH (testifying on Committee Report 15-91):

Good morning, Chair. Good morning, Council.

CHAIR WHITE: Good morning.

MS. SMITH: My name is Sydney Smith and I'm the President of the Maui Coffee Association, and I own Maliko Estate Coffee Farm in Makawao. I'm also a member of the Ag Working Group.

I'm testifying this morning in support of EAR-7, which is agenda item 15-91, a bill that would allow farmers to build a small stand and sell not only their own, but their neighbor's harvest. Since not all farmers have the time or inclination to directly sell their products, this will be very helpful. With the passage of EAR-7, a farmer could even sell brewed coffee as long as State Health Department guidelines are met.

Prior to this, you would need to have a Special Use Permit to sell the coffee or avocados, or other homegrown products from neighboring farms.

This will provide more opportunities for our own residents and visitors to buy local. It will help to encourage family farms and will support agriculture. This brings our code into alignment with Hawaii State Law.

I wholeheartedly support this. Thank you.

CHAIR WHITE: Thank you very much, Ms. Smith.

Members, any need for clarification of her testimony? Seeing none, thank you for being here this morning.

MS. SMITH: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is William Jacintho, testifying on Committee Report 15-91. He will be followed by Annette Niles.

MR. WILLIAM JACINTHO, MAUI CATTLEMEN'S ASSOCIATION (testifying on Committee Report No. 15-91):

Good morning, Maui County Councilmembers. I'm William Jacintho, President of the Maui Cattlemen's Association. Thank you for the opportunity to testify on EAR-7, item number 15-91.

It's been a long road on this bill, and many of you, as well as ag producers, have put in many hours into getting language into a bill that supports agriculture. I thank the Councilmembers for working with the ag community and listening to our past testimonies of concern, and carefully discussing them, and really talk, taking them into consideration. It has been time well spent and we support the bill as written.

Although ranchers may not be directly considered farmers of produce that would be sold at roadside stands, there are ranchers who own property that also lease to various agriculture producers who are interested, or are presently involved in selling their produce at their roadside stands.

EAR-7 will benefit ag producers, landowners, and various County departments. And, as we've said before, we are supportive of positive actions that assist with moving agriculture forward.

Maui Cattlemen's Association is a non-profit organization representing small and large livestock producers in Maui County. Thank you.

CHAIR WHITE: Thank you, Mr. Jacintho.

Members, any need for clarification of Mr. Jacintho's testimony? Seeing none, thank you for being here this morning.

MR. JACINTHO: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Annette Niles testifying on Committee Report 15-91. She will be followed by Bill Greenleaf.

MS. ANNETTE NILES (testifying on Committee Report No. 15-91):

Good morning, Chair, Council. My name is Annette Niles. I'm a farmer, rancher, and I'm also on the Ag Working Group.

I'm in support of EAR-7. It is a great bill and we worked hard to try and get it, you know, to make it better for agriculture and hopefully we can see it through. Thank you.

CHAIR WHITE: Thank you, Ms. Niles.

Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Bill Greenleaf, testifying on Committee Report 15-91. Mr. Greenleaf is the last individual who has signed up to testify in the Council chamber.

MR. BILL GREENLEAF, FARMER'S UNION (testifying on Committee Report No. 15-91):

Good morning, Chair.

CHAIR WHITE: Good morning.

MR. GREENLEAF: Good morning, Councilmembers. My name is Bill Greenleaf. I'm a, my wife and I founded Greenleaf Farm 10 years ago. I'm on the board of the Haleakala Chapter of Farmers Union and I'm on the Ag Working Group.

And, I wanted to thank Councilmember Couch for his remarks this morning. Kuleana is a word that I've taken much to heart in my 15 years of living in Hawaii. It, it carries a great deal of meaning and ohana. And, I want to reflect on the process of the ag committee, the ag Chair, and the ag Vice-Chair gave this project to the working group. And I believe that we have all experienced a deeper kuleana working through these two years, and learning the process, and, and coming into ohana with the Council as we've worked together.

And, I, I believe this bill, as a board member of the Farmer's Union, I can see the change in the future of agriculture, to rebuild agriculture in Hawaii. It won't be starting at the large scale for the most part. And, this bill is going to enable a lot of the smaller-scale people getting started to make bigger business plans more inclusive of opportunities.

And, I, I thank the Council very much, and the ag Chair and Vice-Chair for push, putting this on the agenda and helping us learn how to move it forward through the Council. And, thank you to the Council for all your work you've put into this bill. I'm very much in favor of it. Thank you.

CHAIR WHITE: Thank you, Mr. Greenleaf.

Members, any need for clarification? Seeing none, thank you for being here this morning.

MR. GREENLEAF: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Patsy Pitts testifying on Committee Report 15-91.

MS. PATSY PITTS (testifying on Committee Report 15-91):

Good morning.

CHAIR WHITE: Good morning.

MS. PITTS: I'm a small farmer in Haiku. I grow, well here's the list, it's huge; including coffee. I'm a, my major crop is coffee. And, before I knew it was illegal, I roasted and sold it at the street. I sold it for about \$20 a pound. Now, I sell the green beans for about a third of that cause I can't sell the coffee. So, that would help me out a lot.

But, I think more importantly is my fruit stand to the community that I have. So, I grow 28 types of citrus, 7 types of avocado. This year for the first time, I have cashew. So, I'm trying to figure out how to get the cashew fruit off of the nut so that I can sell the fruit without ruining the fruit.

And, I have community members in, where I live that come to me constantly and say I depend on your fruit stand. I have senior citizens who don't drive and they come along. They don't always pay, but they come along and pick up fruit for their home. And, I have children at the end of it, I can look down my driveway and see children cramming bananas in their mouth. And, I know they've been there because they always leave the peels on the ground.

But, we're a tourist based economy. We rely heavily on tourism. And, I know from the jars of coins that I save for my grandchild, that I cater to many countries.

And, last night, we had a particularly poignant event. My stand is empty. And, my daughter was leaving and came running back, said mama you got to come to the street, there's a family that the parents were deaf and the, they had three children who's, who speak for them. And, they come here every year and they stay in a condo in Kihei. And, one of their big tourist events that they do, they drive to my fruit stand for fruit.

Sorry, I'm losing my father, I'm, but I came prepared, sorry. So, we spent an hour with them going through the farm. And, these children know all my fruit, including the second grader, look and said oh there's the, that's where she's growing the Jamaican Lilikoi. I mean, how many of you know what a Jamaican Lilikoi is, right? So, they've been there year after year.

So, not only, I'm in support of this bill, but I'd like you to understand that tourism is also affected by our fruit, our stands, and what we sell there. Thank you.

CHAIR WHITE: Thank you.

MS. PITTS: Oh, my net is \$3 a day. So, I'm not a big farmer.

CHAIR WHITE: Thank you very much.

MS. PITTS: You're welcome.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber. If there are any additional individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or District Office phone at this time.

Hana Office, are there any additional testifiers?

MS. LONO: Yes, the Hana Office has Mr. Don Atay, testifying on item number 15-91, representing the Hana Community Association.

Say your name.

MR. DON ATAY, HANA COMMUNITY ASSOCIATION (testifying on Committee Report No. 15-91):

Aloha kakahiaka. My name is Don Atay. Good morning, Council board members. My name is Don Atay, as I said, I represent Hana Community Association.

And, I am not against the, the 15-91, EAR-7, but we would like, in Hana, to be exempt from the EAR-7. Because . . . there is a lot of open discrepancy because there is no enforcement and because, as the young lady said before I spoke, that we are a tourist driven economy here on our island. And, we have one of the most beautiful highways into our area of Hana.

And, with this bill, it's saying that any agricultural owner along this highway can put up a structure to sell not just agricultural products, but a retail store. So, that would hurt the tourist industry, but it also hurts the people of Hana. So, we're asking to be exempt from the EAR-7.

CHAIR WHITE: Does that conclude your testimony, Mr. Atay?

DEPUTY COUNTY CLERK: Mr. Atay, does that conclude your testimony?

MR. ATAY: Yes. I don't want to go into more detail because I probably go over my time limit.

CHAIR WHITE: Okay, thank you.

Members, do you have any questions for Mr. Atay? Seeing none, thank you very much for your testimony this morning.

Mr. Clerk.

(Councilmember Baisa was excused from the meeting at 9:26 a.m.)

DEPUTY COUNTY CLERK: Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one else waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

MS. ALCON: There's no one here on Molokai waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

I see that we've received written testimony as well. Members without objection, we will ask the Clerk to accept the testimony for the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you, so ordered.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART
OF THE RECORD OF THIS MEETING:

1. Sydney Smith, Maui Coffee Association;
2. William Jacintho, Maui Cattlemen's Association;
3. Patsy Pitts;
4. Laura Binstock;
5. Tama Brandenburg;
6. Sylvia Cenzano;
7. Jeff Ferguson, MauiGrown Coffee Company Store;
8. Martha and Rob Lind; and
9. Igor Vernik.

CHAIR WHITE: And, Members, seeing that there are no further testifiers, Chair would like to close public testimony without objection.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you very much.

Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of May 26, 2015 was presented at this time.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I WOULD LIKE TO REQUEST THE ADOPTION OF THE
REGULAR MINUTES OF THE MAY 26, 2015 MEETING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion by Mr. Guzman and a second by Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Nothing further. Thank you, Chair.

CHAIR WHITE: Thank you. All those in favor of the measure please signify by saying
"aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA, HOKAMA AND
VICTORINO.

CHAIR WHITE: Measure passes with six "ayes"; zero "noes"; and three "excused",
Ms. Baisa, Hokama and Victorino.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 15-88 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 52 (2015), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE AND SPECIFYING CERTAIN TERMS OF NOT TO EXCEED SEVEN MILLION NINE HUNDRED TWENTY-NINE THOUSAND FOUR HUNDRED EIGHTY-FIVE DOLLARS (\$7,929,485) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF REFUNDING ALL OR A PART OF CERTAIN OUTSTANDING USDA RURAL DEVELOPMENT LOAN OF THE COUNTY; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN TERMS OF SUCH BONDS; PROVIDING FOR THE RETIREMENT OF THE USDA RURAL DEVELOPMENT LOAN TO BE REFUNDED; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS (KIHEI POLICE STATION)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-191, from the Director of Finance, be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: I, I think it's Mr. Couch, Chair.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN BUDGET
AND FINANCE COMMITTEE REPORT 15-88.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

(Councilmember Baisa returned to the meeting at 9:29 a.m.)

CHAIR WHITE: We have a motion by Mr. Couch and a second by Ms. Crivello.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. On July 27, 2015 *[sic]*, your Committee met to consider a proposed bill to authorize the issuance, sale, and delivery of general obligation refund, refunding bonds for the purpose of repaying *[sic]* the United States Department of Agriculture Rural Development Loan for the Kihei Police Station in advance of the loan's maturity date.

Your Committee notes Ordinance 3856 (2011) authorized the Mayor to enter into a intergovernmental agreements for a loan of up to 17 million for the construction of the Kihei Police Station. Your Committee further notes that the County subsequently took out a loan for construction of the station at an interest rate of 3.75 per cent. The loan's remaining balance is about 8 million.

The Director of Finance informed your Committee that the County can realize cost savings through the refunding of existing higher-rate bonds and loans. He noted the County's favorable bond rating and the low interest rates available for general obligation bonds.

The Director said the County's anticipated interest rate for the issuance of the new bonds is 3 per cent, and the cost savings from the refinancing, from refinancing the loan would be approximately \$500,000.

Your Committee voted 6-0 to recommend passage of the proposed bill on the first reading and filing of the communication. On behalf of the Budget Chair, Mr. Hokama, I ask for the Council's support of your Committee's recommendation.

CHAIR WHITE: Thank you, Mr. Couch.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and zero "noes", two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, BILL 52 (2015).

COMMITTEE REPORT

NO. 15-89 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. That Resolution 15-93, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL LEGAL AID SOCIETY OF HAWAII FOR LEGAL SERVICES ADMINISTERED THROUGH THE OFFICE ON AGING," be ADOPTED; and
2. That County Communication 15-145, from the Director of Housing and Human Concerns, be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN THE
COMMITTEE OF THE WHOLE REPORT 15-89.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion by Mr. Guzman and a second by Ms. Crivello.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. On June 30, 2015, your Committee met to consider a proposed resolution to authorize the employment of Legal Aid Society of Hawaii as special counsel to provide legal services to qualified individuals, administered through the Office of Aging, for a total compensation for two-year period engagement not to exceed 70,000 per year.

According to the County of Maui's Executive on Aging, the Older American *[sic]* Act requires each area's agency on aging to provide legal services to seniors and to grandparents raising grandchildren. To comply with this requirement, the Department of Housing and Human Concerns issued a request for proposals. The Legal Aid Society of Hawaii was the successful bidder.

The Executive on Aging also advised your Committee the Office on Aging receives Federal funding to provide these services. For that reason, the Office intends to use Federal fiscal year, starting in 2015, to implement the contract for legal services. Services rendered by Legal Aid Society of Hawaii pursuant to the proposed resolution will commence on October 1, 2015, rather than July 1, 2015.

Your Committee noted the assistance provided by Legal Aid Society of Hawaii, through the Office of Aging, is vital to the population it serves.

Your Committee received a revised proposed resolution reflecting the stated intent to start the two-year contract period on October 1, 2015, and incorporating nonsubstantive revisions.

I ask for the Council's support of your Committee's recommendations to adopt the revised proposed resolutions, and file the communication. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on the measure? If not, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: All those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes"; zero "noes"; and two "excused", Mr. Hokama and Mr. Victorino.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-93.

COMMITTEE REPORT

NO. 15-90 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. That the correspondence in the Kaheawa tax appeal dated May 18, 2012, from the Department of Corporation Counsel, be FILED; and
2. That the correspondence in the Auwahi tax appeal dated June 1, 2015, from the Department of the Corporation Counsel, be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I, I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE OF THE WHOLE REPORT 15-90.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion on the floor from Mr. Guzman and a second by Ms. Crivello.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. On July 6, 2015, and July 16, 2015, your Committee met to consider the proposed resolutions to authorize the Department of Corporation Counsel to settle two matters.

Number one, the matter of the Tax Appeals of Kaheawa Wind, sorry, Wind Power, LLC, Tax Appeal 10-1-1246. And, in the matter of the Tax Appeal of Auwahi Wind Energy, LLC, Tax Appeal 13-1-0302.

Your Committee notes that the allegations in the tax appeal in that County, that the County improperly assessed the value of its real property located at 3000 Honoapiilani Highway, Lahaina, Maui, Hawaii, for tax years 2007 through 2011.

Your Committee also notes that there is allegations in its tax appeal that the County improperly assessed the value of the real property it leases from Ulupalakua Ranch, Inc., identified for tax, sorry, real property tax proposals as Tax Map Key (2) 1-9-001:006, for tax year 2013.

In their appeals, the wind turbines were, were designated "personal property," "machinery," or "equipment" capable of being unbolted and removed without harm to either equipment or land. They argued that the turbines, therefore, should be subject to taxation as "real property".

Deputy Corporation Counsel provided brief overviews on the tax appeal, including the Intermediate Court of Appeals, November 2, 2014 *[sic]*, decisions.

Following an executive meeting on the tax appeal, your Committee voted 7-0 to recommend filing of the correspondence transmitting proposed resolutions to authorize settlement in these matters.

I ask for the Council's support for the Committee's recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman. Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

COMMITTEE REPORT

NO. 15-91 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND
RECREATION COMMITTEE:

Recommending the following:

1. That Bill _____ (2015), entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ALLOW COMMERCIAL AGRICULTURAL STRUCTURES IN THE AGRICULTURAL DISTRICT," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 13-85, from Councilmember Elle Cochran, be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Nothing further. Thank you, Chair.

CHAIR WHITE: No we--

VICE-CHAIR GUZMAN: Wait, wait.

CHAIR WHITE: We're looking for a, a motion--

VICE-CHAIR GUZMAN: Oh.

CHAIR WHITE: --on Committee Report 15-91.

VICE-CHAIR GUZMAN: I'm sorry. I apologize. 15-91, okay.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-91.

COUNCILMEMBER COCHRAN:

CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Thank you. We have a motion from Mr. Guzman and a second from Ms. Cochran.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your, your Committee met on June 16, 2015, and June 30, 2015, to consider a revised proposed bill to amend the Maui County Code to allow as accessory uses and special uses within the County Agricultural Districts four types of commercial agricultural structures on agricultural land. Agricultural product stands, farmer's markets, agricultural retail structures, and agricultural retail food establishments, with a maximum of two commercial agricultural structures per lot.

Your Committee recognized provisions of Title 19, Maui County Code, relating to the sales of agricultural products from roadside stands were rendered inconsistent with the State law regulating produced-owned agricultural based commercial operations in agriculture districts when Section 205-2, Hawaii Revised Statutes was amended in 2012.

The revised proposed bill addresses inconsistencies between County and State regulations within the Agricultural District.

Your Committee also is aware that the structures are allowed to sell some or all of the following produce, products, depending on the type of structure: (1) agricultural products grown, raised, or caught in the County; (2) value-added products that were produced using agricultural products grown in Hawaii; (3) logo items, or items for direct retail sale by producers that has the producers business logo permanently affixed to it; and (4) other food items which are food items that were neither an agricultural product grown, raised, or caught in the County, nor a value-added product that was produced using agricultural products grown, raised, or caught in Hawaii.

Your, your Committee also is aware that the commercial agricultural structures may sell agricultural products or value-added products that are, that are not grown, raised, caught, or produced on the lot on which the structure is located, provided that there is an active agricultural operation on the lot. A farm plan showing an active agricultural operation must be provided to the Department of Planning and its implementation verified before a commercial agricultural structure of 300 square feet or more in total floor area commences operations.

The revised proposed bill is a result of many hours of hard work by the Department of Planning, working in conjunction with the Agricultural Working Group, composed of Maui farmers. The Agricultural Working Group was organized to address the challenges facing the agriculture industry in Maui County.

The Department of Planning is, is also, has informed your Committee that the Department supports the measures.

The Committee also recommends that the revised proposals be passed on first reading and that county communication be filed.

In addition to that, Chair, the, this proposed ordinance is basically as I stated, was to make sure that our County Code is, is consistent with State law. Under HRS 205-2, the State law allows and identifies four of the structures as being permissible on agricultural lands. So, within the State law, it didn't determine size. It didn't, doesn't say how many, what type of produce. It does specify some of the produce, but this ordinance basically takes the State law and adds regulations so that we can, as a County, make sure that there is no abuse.

I know that there's testifiers that have indicated their concerns, but without this ordinance, I believe there would be more abuse because, specifically this ordinance ties in that the four structures, or a structure, one of the commercial ag structures, if being permitted on the land, it has to be, there must be in nexus with active farming. A farm plan needs to be submitted and also implemented. The farm plan must be implemented on that property so that active ag needs to be shown on the property that the, those structures are going to be placed on, as well as the size.

We've put size restrictions within this ordinance. It cannot be more than 1,000 square feet. If it's more than 1,000 square feet then a Special Use Permit is required, as well as parking provisions. We've put in parking provisions within this ordinance to make sure that it doesn't obstruct traffic. So, without these type of regulations, we're left with a State law that is basically open and blank, and, and would allow more abuse.

So, I would ask this Committee to support the recommendations, this Council to support the recommendations of the EAR Committee Report No. 15-91. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO AMEND SECTIONS 3, 4, 5, 6, AND 7, OF THE PROPOSED BILL ENTITLED "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ALLOW COMMERCIAL AGRICULTURAL STRUCTURES IN THE AGRICULTURAL DISTRICT", IN ACCORDANCE WITH THE ATTACHED BILL, SHOWING THE AMENDMENTS IN RED.

COUNCILMEMBER BAISA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Ms. Baisa.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. First of all, I will say I'll congratulate the Committee, I think they did excellent work.

In Hana, we're asking for these exemptions, are happy that the people over here, it's something that they really want and it seems to fit them. However, as the Chair knows, because he's had conversations, Mr. Guzman with the Hana people, how they feel that this bill does not serve their best interest.

This amendment, for the East Maui only, is a current, would maintain the current zoning structure for roadside stands and farmers market's, the reason to exempt the Hana Community Plan from the provisions of commercial agricultural structures.

I hope everybody, and I know this is at first reading. And, I am one of those that really do not like to bring stuff up and do Committee work in the Council chamber. However, at the last meeting that we had, it was brought up and everybody had no objection to me going back to Hana because of the concerns that they had, that it had delivered to the Chair of the Committee and to come up with something that would serve the needs of the Hana community.

We do not object to the bill for others. But, we would hope you would realize that one shoe does not fit all feet, and it does not fit us. This is not going to be good for us. The Community Association President tried to say that, with saying that we have no objection to the bill in itself for others, but it's not in our best interest.

It's very clear, I've tried to make this very clear, the handout that has been distributed. And, I would hope the Councilmembers would support not only me, but our community. Mahalo.

CHAIR WHITE: Members, any further discussion on this?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Not being familiar with the exact boundaries of the Hana Community Plan area, if Mr. Carroll could let us know how far up that comes? Cause that may make a, a difference.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Kapipi Gulch to Kailua. I mean, excuse me, Kapipi Gulch to the other side of Kaupo.

COUNCILMEMBER COUCH: Okay, all right, thank you.

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you. And, I do appreciate Mr. Couch's, I mean Mr. Carroll's argument and the concerns of the Hana community. I, I was there last year in August and presented the bill. And, there, it was pretty much split in, in terms of support or not acceptance of the bill.

But, what I had failed to convey properly was that there is a State law under 205-2 that already allows those type of structures on agricultural lands. And, so what I had probably failed to communicate was, if we don't put some type of regulations to control it at the, at the County level, then, we're looking at Hana having more abuse with the State and vague, the vague language that they have in the State that basically says go build four different structures, you know, on ag lands without. They don't even tie in a nexus between active agriculture.

If we're talking about control, Chair, this ordinance, I would, I would, I truly believe would control the uses in Hana for those that are actively being, you know, doing those roadside stands or those, those structures that are built along Hana Highway.

This ordinance allows some teeth so that the Department, which strongly supports this bill, can go in and say, look did you submit your, your, your farm plan? Is it an implemented farm plan? Is there active farm there? Are you, is there a, cause there's even a percentage of the different type of products.

They can go in and, and determine on a checklist, are you doing 40 percent of non-other foods and, and are these produce from Maui? And, is there parking regulations? Are they abiding by the parking regulations? And you're only allowed two of these structures per lot, that's what's in the ordinance. If we revert, if we, if we exempt Hana, then there are no other stricter regulations that would control the State law.

I don't know how else to put it, Chair. But, I believe this was going to be helpful for Hana, not more destructive towards them. It will allow the Planning Department to go in and do more enforcement because there are more criteria set, set within our ordinance to be more strict.

I completely understand Mr. Carroll's position. I, I, I, I agree with, that Hana should be Hana. But, we're talking about a State law here, not just a B&B ordinance that we created, that we drafted. We're dealing with a State law, and how do we implement that State law.

I can ask Corporation Counsel if, what was the, what would be the effect of Hana opting out, being exempt from this ordinance. What would be the, the default law that would govern Hana? Can I ask that of Mr. Wong?

CHAIR WHITE: Corp. Counsel.

CORPORATION COUNSEL PATRICK WONG: Chair, Mr., Member Guzman, thank you for the question. Chair, looking at the proposed language in the proposed amendment, and without getting into the, without getting into the, the position and the cause that Mr. Carroll is presenting and, and the positions voiced by Member Guzman, the languages quite frankly has not been vetted by the Department of Planning. And, I would prefer that at some point the Planning Department is able to weigh in on the language propounded.

Currently, I, as I sit here, I'm having concerns about the interaction that the proposed terms have with the rest of the ordinance. We can certainly go through it line by line, but it will probably eat the rest of your day.

And, I may suggest if the body will, is seriously considering the amendments being proposed, that the department, especially the Department of Planning, be given an opportunity to weigh in on the language and the impact it may or may not have. It certainly may, at the end of the day, be language that the Department of Planning and the Corporation Counsel's Office would be agreeable with, with a few changes. It doesn't appear on my first read of this that it's entirely offensive. It certainly should be considered. However, Planning has not seen this language and I think they should.

As Member Guzman has said earlier that the proposed original bill, prior to this amendment, was supported strongly by the Department. So, with that said, without getting into the nuances between how it benefits or doesn't benefit Hana and the impact that it may have with State law, I think that the Department should be given the opportunity to weigh in.

CHAIR WHITE: Ms. Cochran.

VICE-CHAIR GUZMAN: Okay.

CHAIR WHITE: Oh, I'm sorry.

VICE-CHAIR GUZMAN: Okay, yea, thank you.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: I apologize. But, you know, I have the minutes from our last Committee meeting. And, I, and I don't want to read it verbatim, but I know that this this subject matter of exempting Hana had been brought up. And, and there was no motion to support it. In fact, I have language here that Mr. Victorino said, yea, there has to be some type of regulation out there in Hana. So, the point is this is what we're, we're working on right now as an ordinance that basically would, would, would implement the State law, which is 205-2.

So, I don't see how you can exempt a certain area of the State without going through State legislation because people in Hana are citizens of the State as well. So, I have no problem exempting them, but if there's ever a legal challenge to say look, we're not being equally treated because we're not being able to utilize any of the four structures, then I think we've got a problem. But, I'll leave it at that.

If, If Hana wants to be exempt, fine, I'm fine with that. Because, you know, if they want to grow out without, without any type of restrictions out there, just build four

different type of structures without any type of size restrictions, without any kind of produce restrictions, without any type of parking, hey this is what we're faced with.

I'm at the interest of, I represent Hana as well. I may not live there, but I don't want Hana to be all crazy either, out of control. That's why this, these provisions were put in there, so that we can, we can work with the State laws and we can be more restrictive. But, we can't not disallow them to have that opportunity to utilize the State law and, and, and, and, and building these type of structures. We can only restrict the, the, the size or the, the, not really the use, the parameters of it. But, we can't flat right deny them.

So, it's up to the community. If they want to bring this back to the, to my Committee to re-vet, the answer is okay. As Chair, I'm fine with them exempting. But, as Members of this Council, realize what is the law. What is the regulations that Hana will abide by then? That's exactly what Mike Victorino said in Committee. What regulations will then they be governed in Hana? They still got to follow the, the State law which is allowing these four structures. How do you then regulate those four structures in Hana? We can, we can draft out a different provision altogether, limit, maybe, the sizes even more so for Hana. But, I don't see any other way that we can exempt them completely.

That's all I have to say, Chair. Thanks.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, thank you, Mr. Guzman, for your explanations. And, but especially thank your Committee for bringing this forward and putting so much time, energy, and effort with the Ag Working Group, and going out to the districts and really vetting this out.

You know, I put the initial transmittal out there to refer it to the Planning Commissions. It went there and Mr. Guzman has been working it through also and, now we have it. And, it's come a long way. It's definitely a far cry from what my little idea of, let's do a farm stand bill, came, you know, in, into what it is today. But, I appreciate all the detailed extreme hard work that's gone into it. And, I concur with everything that he's explained so far.

This amendment that's on the floor right now, I, I feel somewhat blind-sided by it. I think it's something that if it, we are to move on it, it needs to be vetted through Committee once again. And, this is not the time and place for it. And, I'm really surprised that the Member who is proposing this, those are actually his words for many other full Council meetings.

And, I, number one, as Corporation Counsel today has stated, it ought to be vetted through Planning. They themselves, Corporation Counsel, has not signed off on the legality of this. So, I have issues with this currently. I, I cannot support it.

And, I understand the comments by, by and, and sound, and hear the frustration in his voice by Member Guzman. So, I'd like to just say that, currently, not in support of the amendment, but am open as Mr. Guzman stated. If we so choose to bring it back to the Committee to vet it through, if Hana really, really wants to be exempted, we need to talk it out and figure this out legally, what are the repercussions.

So, I would like to pass out the bill as written, with no amendments, at this time. Thank you, Chair.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, and I certainly do understand Mr. Guzman and Mr. Carroll's concerns. One of the things that I do see here, it, it's, it appears to restrict Hana, on page 6 of the amendment, it does appear to restrict one product stand per lot. And, if it's, if it's products that aren't being grow, grown on that lot, then they have to get a Special Use Permit. And, it does have restrictions on parking. So, I at least see that, but, but because being very familiar with Chapter 19, I really would like the Planning Department to see this and, and the Corp. Counsel to take a look at it.

It, it appears to at least ally some of the concerns of Mr. Guzman. But, I'm, I'm also wanting that, this to be vetted through Committee cause this, today is not the day to do this. Thank you.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I'd like to weigh in on this. And, first of all, I want to say that I am not a member of this Committee. And, I was not aware of the discussions with Hana and that there was any concern from Hana.

And, I came prepared to vote on this today. And, I was very surprised to find the amendment because if, if it had been posted with the agenda, that may have made it easier cause we could have, you know, prepared. And, I'm listening to both sides of this and I don't feel comfortable in voting.

And, I make a commitment that should this go back to Committee, that I will attend those meetings cause I want to make sure that when I vote, that I feel comfortable.

It's a little uncomfortable to have to vote on something that I really, I don't understand both sides of it. Thank you. And, I want to thank the Committee. It's been a tremendous amount of work and not just for the committee, but for the folks that have attended numerous, numerous meetings.

And I can understand Chair Guzman's frustration. I know how it is when you work really, really hard on something, and when you bring it forward, something's, you know, something comes out that you didn't expect. But, maybe if he's willing to do that, it might be a better outcome. But, I want to say I was very surprised. Thank you.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I, I, I'd like to just add that first of all, I think the Committee and Mr. Guzman have gone way out and beyond to help us to try and understand.

But, I, I want to take into consideration the concern coming from our Member from Hana. And, if it is his attempt to be of, representative of, of, voices of Hana, I'd, I'd like to see us try and process this with the Planning Department or Corporation Counsel to vet it out further. I think it will, I think we would end up being able to, to conclude. And, I sorry it wasn't brought up earlier but we, we're still allowed to do this. So, at, at this time, I think I would hope that we can just get this back to Committee for further--

VICE-CHAIR GUZMAN: Chair. I, I just--

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: I just wanted to conclude that I am very, very disappointed that for two and a half years this has been in my Committee. We've had official Committee meetings seven times. This has gone to every Commission. I have had to walk over to the Planning, the Planning Department at least seven or eight times to redraft and keep redrafting. And only last, like three days ago, I put, I, I'm, I'm hearing over in the hallway that there's going to be a, an amendment. Wow. I'm very disappointed. And, and if there was some kind of concern from Hana, I didn't receive anything except for support from, from constituents that had emailed in.

You know, we, to go back to Committee at this stage, I'm very, very disappointed, you know. And, if there was an issue with Hana, in fact, I'm just going to be forthright about this. I'm sitting there in the, in my office and I hear over the, the conference

telephone next door someone calling in an executive assistant. And, that was Ms. Lono, who's dictating what the amendment should be. And, I'm sitting there in shock saying, well, why is this happening all of a sudden? I, I don't know. But, I'm very disappointed about this last minute amendment. I feel that it's, it's inappropriate at this timing. You guys want to bring it back to Committee then that's fine. Very disappointing.

CHAIR WHITE: The, the Chair's similarly concerned that, you know, this, this is last minute. It's coming to us without a real understanding with, from gaining input from the Planning Department as to what the impacts are. And, you know, we all know that there's lots and lots of, of these roadside stands on the way to Hana, and they provide a wonderful access to economic benefits.

And, reading this, I need to know what the impacts are on the existing, the existing roadside stands, and whether or not one of Mr. Atay's concerns was we can do, they can do retail. But, I believe under State law, they can do retail. So, I think if anyone would like to, maybe Mr. Carroll, if you'd like to make a.

COUNCILMEMBER CARROLL: Thank you, Chair. And to ease Mr. Guzman's mind, that I was working with the community in Hana. And, Ms. Lono, as you know is Council Services, like our Council Services downstairs, was working with the Hana Community Association and the Agricultural Committee. And, they were transmitting over there, their concerns that were part of what we, I presented today. That's her job and that's what she does. And, that when it came out, it sounded like it was something like I had instructed her to do this. That is far from the truth.

This comes from the community. Me, and Council Services, and all of us, we do not represent ourselves, we represent the community. And, that's what we have done. I heard that the community was divided. Well, the divided community has only talked to me about this amendment here. I have not received one verbal or written comment in support of the current bill as it stands, not one. I truly tried to represent our community, plus we try to represent all of Maui County, but we are district representatives because we're supposed to know our community and we're supposed to be active in it.

I have done the best I could at the last meeting. The concerns were brought out and I looked down over here at the Council, and I said I'm going back to the community, and find, and come back and report what they wanted. I have completed that. I have done it. This is what the community members, that have seen me, have asked for.

Now, whether there are problems with the State, I don't know. Because of the timeframe, I didn't have a chance to go to Corporation Counsel. I couldn't take it upstairs to them. I couldn't go to Planning.

And, worse yet, I couldn't sit down with Mr. Guzman or everybody else because we have something called the Sunshine Law. In drafting this amendment, it was deemed that it was inappropriate for me to talk to the other Members, the Chair of the Committee, or anybody else. That's why it's, as you know, it was distributed today at this meeting.

That's about all I can really say. I'm bringing forth the community concerns. I have done the best I could to draft this. And, it is not like it's, we have deleted the entire bill, as Mr. Couch has said. We have inside there, restrictions, and we feel, the community feel that that is the best thing for them.

And, I will leave it up to the Members what decision we make. There are several things we can do besides referring to Committee. It could be laid on the Clerk's desk or until the next meeting, and give time for Corporation Counsel and the, the Planning Department, and Mr. Spence to go over it and come back and report, if it would be appropriate or if there were any problems with it relating to the State. I would leave it up to the Committee Members and the Chair to make that decision. Thank you.

CHAIR WHITE: Okay. Chair's going to take a quick recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:08 A.M., AND WAS RECONVENED AT 10:15 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS HOKAMA AND VICTORINO, EXCUSED.)

CHAIR WHITE: This meeting of the Maui County Council will come back to order. Members, Chair is going to recommend that we defer this item, with motions pending, to the August 25 meeting. And, that will give us time to get a response from Planning Director Spence on whether he has concerns or can support this amendment. It will also give us a chance to get something in writing from Corporation Counsel, so that by the time this comes back to us again we'll have a greater level of clarity whether this is going to have the, the right effect for Hana or whether it may just cause some additional challenges.

So, without objection, the Chair will ask Corp. Counsel and the Planning Director for their response to the amendment, both positive and negative. And, without objection, we'll move forward with that.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. Okay, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Thank you, Mr. Chair. Just for clarification, the Committee Report and its motions will be deferred to the August 25 meeting at 9 a.m. in the Council chamber.

CHAIR WHITE: Correct. Thank you.

COMMITTEE REPORT

NO. 15-92 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Resolution 15-94, entitled "ACCEPTING GRANT OF EASEMENT FOR SEWERLINE PURPOSES FOR THE WAILUKU-KAHULUI FORCE MAIN REPLACEMENT PROJECT, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication 15-193, from the Director of Environmental Management, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Chair, without objections, may I also request the Clerk to call up Committee Reports 15-93 and 15-94.

CHAIR WHITE: So ordered. Mr. Clerk.

COMMITTEE REPORT

NO. 15-93 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Resolution 15-95, entitled "ACCEPTING A GRANT OF EASEMENT FOR SEWERLINE PURPOSES AND SEWER SYSTEM IMPROVEMENTS FOR THE MAUI LANI PHASE 6 SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 15-194, from the Director of Environmental Management, be FILED.

COMMITTEE REPORT

NO. 15-94 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Resolution 15-96, entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENT AND SEWER SYSTEM IMPROVEMENTS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 15-195, from the Director of Environmental Management, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN:

CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORTS 15-92, 15-93, AND 15-94.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion on the floor from Ms. Cochran and a second from Mr. Couch.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Your Committee met on July 20, 2015, to discuss the resolutions noted in the committee reports. The resolutions pertain to the acceptance of sewer line easements or sewer system improvements for various projects within the Wailuku-Kahului area.

At the intersection of Alama Place *[sic]* and Hobron Avenue, Alexander & Baldwin, LLC, is dedicating an easement that will provide the County with access to the portions of the Wailuku-Kahului Force Main located on private property.

The developers at Maui Lani Phase 6 Subdivision, also known as The Parkways at Maui Lani, are dedicating the sewer improvement required by their subdivision approval along with an easement to give the County access to private property for purposes of operating and maintaining the County's sewer system.

Lastly, RCFC Kehalani, LLC, is dedicating sewer improvements and related easements located mauka of Wailuku Elementary School for the purpose of connecting the sewer system serving their development to the County system.

The Deputy Director of Environmental Management expressed the Department's support of the proposed resolutions noted in the committee reports. And, your Committee did recommend adoption of these resolutions and filing of the communications.

I respectfully ask for this Council's support. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion on these three measures, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, respective to Committee Report 15-92, RESOLUTION 15-94. Respective to Committee Report 15-93, it's RESOLUTION 15-95. And, respective to Committee Report 15-94, RESOLUTION 15-96.

COMMITTEE REPORT
NO. 15-95 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending the following:

1. That Bill 53 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE OUTDOOR LIGHTING STANDARDS RELATING TO COMPLIANCE DEADLINES, SHIELDING REQUIREMENTS, AND USAGE RESTRICTIONS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-18, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you again, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-95.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Couch.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, again at the meeting of July 20, 2015, your Committee heard from the Director of Public Works that the Department desires to utilize more energy-efficient lamp types in the County's streetlights as a way to reduce costs.

The proposed bill will provide the Department with the flexibility to find an energy and cost-efficient lamp type that not only meets the County's lighting standards but needs, but also prevents further degradation of the night sky.

The bill also extends the deadline for streetlights to be shielded to January 1, 2020. The extension allows the Department additional time to address the streetlights that are more difficult to retrofit with shielding. In addition, the extension will help save costs by delaying further shielding efforts while the Department is evaluating a replacement lamp type.

The Director noted the proposed bill will enable the Department to further evaluate replacement lamp types. But, installation of a new lamp type cannot occur until the Department's administrative rules are amended. The administrative rules process provides additional opportunities for the public to comment on the impacts of a new lamp type. And, therefore, your Committee recommends passage of this bill, and also filing.

And, I seek Council's support of the recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

And, I want to thank Ms. Cochran for bringing this forward. I, I know I'm not a member of her Committee, but I think I was there for that, that meeting. And, it's really nice to see that they, we're finally getting LED's going. And, I, I know the State's kind of jumping the gun, but they put some on the airport access roads. If you look at all their lights, they're all LED's. So, it's about time. Thanks.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 53 (2015).

COMMITTEE REPORT

NO. 15-96 - LAND USE COMMITTEE:

Recommending that County Communication 06-313, from the Planning Director, relating to applications filed by Hana Community Health Center, Inc., transmitting pertinent documents and the following bills entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII"; and "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII", be FILED.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE
COMMITTEE REPORT 15-96.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Mr. Couch.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. On July 22, 2015, your Committee met to consider a request from Hana Community Health Center, Inc. for a District Boundary Amendment from Agricultural to Rural, to a Change of Zoning from Interim District to P-1 Public/Quasi-Public District, to allow for the expansion of the existing Hana Community Health Center in Hana, Maui, Hawaii.

Your Committee received correspondence dated July 14, 2015, from Cheryl Vasconcellos, Executive Director, Hana Health, requesting withdrawal of the District Boundary Amendment and Change in Zoning applications.

I ask for the Council's support and the recommendation to file the communication therefore, disposing of the application.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

COMMITTEE REPORT

NO. 15-97 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 54 (2015), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR APPROXIMATELY TWO ACRES OF COUNTY-OWNED PROPERTY ON MAHALANI STREET, WAILUKU, MAUI, HAWAII, LEASED TO KA LIMA O MAUI, LTD.," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-116, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Guzman.

Oh, I'm sorry, Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE
COMMITTEE REPORT 15-97.

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Thank you. We have a motion from Mr. Carroll, some confusion from the Chair, and a second from Ms. Baisa.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. On July 22, 2015, your Committee met to consider a proposed bill to grant a request from Ka Lima O Maui, Ltd. for a Change in Zoning from R-3 Residential District to P-1 Public/Quasi-Public District for approximately two acres of County-owned land on Mahalani Street, Wailuku, Maui, Hawaii. The Change in Zoning would facilitate the renovation of 2,500-square-foot building, the development of a new office building, and the development of affordable housing.

According to the "MAUI COUNTY PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION NOVEMBER 25, 2014 MEETING", the affordable housing component of the development would be processed by separate applications, pursuant to Section 201H-38, Hawaii Revised Statutes, subject to Council approval.

I ask for the Council's support to pass the proposed bill as revised on first reading, and to file the communication.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 54 (2015).

Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATION

NO. 15-207 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated July 20, 2015)

Transmitting 124 contracts/grants for the month ending June 2015.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 15-207.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Without objections, I'd like to request that the Budget and Finance Committee Chair Hokama, on behalf of him, may I ask that the following contracts be referred to the Budget and Finance Committee for further review and discussion? That would be C5491-1, Molokai Baseyard Redesign; Contract C5820, MPD Mobile Data Terminals; Contract C5821, Lifestyle, Life-Cycle dis, Desktop Replacement; and Contract C5823, KIVA Replacement, aka MAPPS, M-A-P-P-S.

The remainder of the items will be available for review for the office of the, at the Office of the County Clerk's. No further discussion. Thank you, Chair.

CHAIR WHITE: Thank you. Without, are there any objections to the items noted for referral to Budget and Finance?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you, so ordered.

We have a motion on the floor regarding filing of the remainder. Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

NO. 15-208 - ALAN M. ARAKAWA, MAYOR,
(dated July 28, 2015)

In accordance with Section 2.41.040, Maui County Code, informing of a vacancy on the Civil Service Commission due to the resignation of Carol Reimann on July 23, 2015.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATION NO. 15-208.

COUNCILMEMBER BAISA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Ms. Baisa.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. This is a, a letter from the Mayor informing us of a vacancy of Civil Service Commission. And, I want to thank Ms. Reimann for serving the County as a volunteer in that position.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications for referral.
The following county communications are recommended for referral to the following Committees as noted:

NO. 15-209 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated July 17, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.10.010, MAUI COUNTY CODE, RELATING TO WATER RATES FOR AGRICULTURAL CONSUMERS".

The recommended action is that County Communication No. 15-209 be referred to the Budget and Finance Committee.

NO. 15-210 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated June 21, 2015)

Reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of June 30, 2015.

The recommended action is that County Communication No. 15-210 be referred to the Budget and Finance Committee.

NO. 15-211 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated July 29, 2015)

In accordance with Resolution No. 99-26, transmitting a report of short term investments for the quarter ended June 30, 2015.

The recommended action is that County Communication No. 15-211 be referred to the Budget and Finance Committee.

NO. 15-212 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated July 30, 2015)

Transmitting the Budget Implementation Report as of June 30, 2015 (Fiscal Year 2015 Fourth Quarter)

The recommended action is that County Communication No. 15-212 be referred to the Budget and Finance Committee.

NO. 15-213 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated July 22, 2015)

Transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF A BATTING CAGE TO THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The recommended action is that County Communication No. 15-213 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 15-214 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated July 17, 2015)

Transmitting a draft copy of the "MAUI COUNTY PLANTING PLAN, THIRD EDITION".

The recommended action is that County Communication No. 15-214 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 15-215 - STACY CRIVELLO, COUNCILMEMBER,
(dated July 14, 2015)

Transmitting a proposed resolution entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE ZONING FROM INTERIM TO AGRICULTURAL FOR 14.59 ACRES AT KAWELA, MOLOKAI, HAWAII".

The recommended action is that County Communication No. 15-215 be referred to the Land Use Committee.

NO. 15-216 - KYLE K. GINOZA, DIRECTOR OF ENVIRONMENTAL
MANAGEMENT, (dated July 22, 2015)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY"; and
2. "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE LANAI WASTEWATER TREATMENT FACILITY".

The recommended action is that County Communication No. 15-216 be referred to the Policy and Intergovernmental Affairs Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with general communications for referral.

GENERAL COMMUNICATIONS

NO. 15-8 - SHARON M. SUZUKI, MAUI ELECTRIC,
(dated July 14, 2015)

Transmitting the "FIFTEENTH ANNUAL STATUS REPORT" in accordance with Condition No. 6 of Ordinance No. 2879, New Central Maui Generation Site Subdivision, Waena Generating Plant.

The recommended action is that General Communication No. 15-8 be referred to the Planning Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Are there any objections to the referral to the Planning Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 50 (2015)

A BILL FOR AN ORDINANCE AMENDING THE
MAUI TRAFFIC CODE RELATING TO ONE-WAY
CONDITIONS ON UKIU ROAD, MAKAWAO, MAUI, HAWAII

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO PASS BILL 50 (2015) ON SECOND AND FINAL
READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Couch.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. This is a housekeeping matter, to align the hours of one-way conditions on Ukiu Road in Makawao with the hours of Makawao Elementary School.

Coordinating the one-way conditions with school hours serves to alleviate traffic congestion when school ends.

I respectfully ask for Council's support. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 51 (2015)

A BILL FOR AN ORDINANCE AMENDING THE MAUI TRAFFIC CODE TO
ALLOW SIGNS, POSTERS, AND OTHER NONTRANSPARENT
MATERIALS ON VEHICLE WINDOWS

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO PASS BILL NO. 51 (2015) ON SECOND AND
FINAL READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Couch.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. This bill allows signs, posters, and nontransparent materials that do not obstruct the driver's view of the road to be placed on the side and rear, rear windows of vehicles.

It is common practice for motor vehicles to have rear window adorned with decals that convey various types of personal messages.

Since November 1, 2013, safety inspectors have been required to take electronic photographs of inspected vehicles. This practice has led to stronger enforcement of the County's sticker restriction causing undue difficulty in obtaining a safety sticker.

So, this proposed bill would protect residents' right to free expression and constrain unwarranted regulation, while also ensuring public safety.

I, I recommend, I respectfully ask for this Council's support on this bill. Thank you again, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", two no, no, zero "noes", and two "excused".

Mr. Clerk.


DEPUTY COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much. Thank you, Members, for your attendance this morning.

And, with that, we will adjourn.

ADJOURNMENT

The regular meeting of August 7, 2015 was adjourned by the Chair at 10:35 a.m.


DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII



Testimony - Council Chambers
Friday, August 7, 2015
EAR-7

Good Morning,

My name is Sydney Smith. I'm the president of The Maui Coffee Association and I own Maliko Estate Coffee Farm in Makawao. I'm also a member of The Ag Working Group.

I'm testifying this morning in support of EAR-7, a bill that would allow farmers to build a small stand and sell not only their own, but their neighbors harvest. Since not all farmers have the time or inclination to directly sell their products this will be very helpful. With the passage of EAR-7 a farmer could even sell brewed coffee as long as State Health Department guidelines are met. Prior to this you would need to have a Special Use Permit to sell the coffee or avocados or other home-grown products from neighboring farms.

This will provide more opportunities for our own residents and visitors to buy local. It will help to encourage family farms and will support agriculture. This brings our code into alignment with Hawaii State law.

I wholeheartedly support this.

Sydney Smith,
Maui Coffee Association, president

Maliko Estate Coffee
365 Kaluanui Rd.
Makawao, Maui HI 96768
808-572-0072 farm
808-268-3646 cell/text

Sydney Smith
Maui Coffee Association, President
www.mauicoffeeassociation.com

808-572-0072 Home
808-268-3646 iPhone
Maliko Estate Coffee
365 Kaluanui Rd.
Makawao, Maui, HI 96768
malikoestate@hawaii.rr.com

MAUI CATTLEMEN'S ASSOCIATION

TESTIMONY

**Maui Cattlemen's
Association**

PO Box 473

Kula, HI 96790

**Board of Directors
and Officers**

**Brendan
Balthazar**

Harry Cambra

Robert Ferreira

Alex Franco

Greg Friel

Jimmy Gomes

William G. Jacintho

Kristin Mack

Ken Miranda

Ann Prouty

Jacob Tavares

**Sustaining
ranching
communities in
Hawaii**

Council EAR Committee Chair Don Guzman
Council EAR Committee vice Chair Elle Cochran

Friday August 7, 2015

9:00 a.m.

Council Chamber, 8th Floor

200 South High Street, Wailuku, Hawaii

**SUBJECT: EAR-7, ROADSIDE STANDS AND FARMER'S MARKETS IN THE
AGRICULTURAL DISTRICT.**

Good morning Maui County Council Members, I am William Jacintho, President of the Maui Cattlemen's Association. Thank you for the opportunity to testify on EAR-7.

It's been a long road on this bill, and many of you as well as ag producers have put in many hours into getting language into a bill that supports Agriculture. I thank the Council Members for working with the Agriculture Community and listening to our past testimonies of concerns, and carefully discussing them, and really taking them into consideration. It has been time well spent, and we support the bill as written.

Although ranchers may not be directly considered farmers of produce that would be sold at Roadside Stands, there are ranchers who own property that are leased to various agriculture producers, who are interested or are presently involved in selling their produce at their Roadside Stand. EAR 7 will benefit Ag Producers, Land Owners and various County Departments, and as we've said before, we are supportive of positive actions that assist with moving Agriculture forward.

The Maui Cattlemen's Association is a non-profit organization representing small and large livestock producers in Maui County. You may reach the Maui Cattlemen's Association through the address provided above.

Sincerely,

William Jacintho, President

Friday, August 7, 2015

EAR-7

Aloha,

I am a coffee grower here in Maui County.

I also have a fruit stand.

I sell my fruit to my neighbors and tourists.

I support EAR-7. This will help support agriculture in my community.

Mahalo!

Name: Patsy Pitts

Name of Farm: Mongoose Kope

Address: 1100 Haiku Road

Town: Haiku

Phone: 575-2575

Our farm stand has been serving our community and visitors for over 10 years. During the past year, I have grown and sold: Aloe, four types of Avocado, Banana, Basil, Coconut, Coffee, Dragon Fruit, Eggplant, Ginger, Grapefruit, Hawaiian Chili, Lemon, Lilikoi, Lime, Macadamia nuts, Mango, Orange, Papaya, Star Fruit, Tangerine, Tomato, Ulu, and various potted plants, bamboo, palm and other trees.

After taking a course from Lynn of AG Ext I have improved my stand and farm equipment for cleanliness.

Often I can explain to people I meet on Maui where I live simply by saying the location of my fruit stand. Often I receive IOU notes from neighbors who want the produce but don't have the cash on hand. Often I receive foreign coins, my current count is coins from 10 different countries.

My average net is down this year due to family obligations on the mainland but I average about \$3 net a day year round.

IN SUPPORT OF PROPOSED BILL AMENDING CHAPTER 19.30A, MAUI COUNTY
CODE, RELATING TO ROADSIDE STANDS

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ...



leilah <leilah@ipuka.org>

Fri 8/7/2015 4:41 AM

mark as unread

To: County Clerk;

ALOHA,

I AM WRITING NOW, TO EXPRESS THAT WE ARE IN STRONG SUPPORT OF THE
PROPOSED BILL AMENDING CHAPTER 19.30A, MAUI COUNTY CODE, RELATING
TO ROADSIDE STANDS AND FARMER'S MARKETS IN THE AGRICULTURAL
DISTRICT. THANK YOU VERY MUCH FOR YOUR CONSIDERATION IN THIS WELL
THOUGHT OF

CHANGE FOR FARMERS AND THEIR FAMILIES. I FEEL IT WOULD BE A GREAT
BOON TO THE ECONOMY AND

CHARACTER OF MAUI FOR TOURISTS AND LOCAL PEOPLE ALIKE.

WITH THE STRENGTH OF SINCERITY, LAURA BINSTOCK

RECEIVED
2015 AUG -7 AM 7:31
OFFICE OF THE
COUNTY CLERK

FW: EAR-7 support

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ...

mark as unread



EAR Committee

Thu 8/6/2015 7:02 PM

To: County Clerk;

Bing Maps

+ Get more apps

From: Tama [mailto:brandenburg@hawaii.rr.com]
Sent: Thursday, August 06, 2015 2:43 PM
To: EAR Committee <EAR.Committee@mauicounty.us>
Subject: EAR-7 support

Friday, August 7, 2015

RE: EAR-7

RECEIVED
2015 AUG -7 AM 7:31
OFFICE OF THE
COUNTY CLERK

Aloha,

I am a coffee grower here in Maui County.

I support EAR-7. This will help support agriculture in my community and will help open up additional sources of revenue for my farm & coffee operation and for my farming neighbors.

We are hopeful that Maui County will be more supportive of small, individual farmers as well as larger, commercial operations.

Mahalo!

Tama Brandenburg

Name	Tama L. Brandenburg
Name of Farm	Tambra Gardens
Address	243 Hoopalua Drive
Town	Makawao, HI 96768
Phone	(808) 572-3688

This email has been checked for viruses by Avast antivirus software.
www.avast.com

EAR Committee

From: sylvia@kolealea.com
Sent: Wednesday, August 05, 2015 7:31 PM
To: EAR Committee
Subject: EAR-7

Aloha,

I am a coffee grower here in Maui County.

I support EAR-7. This will help support agriculture in my community.

Mahalo!

Sylvia Cenzano
Kolealea Agricultural Center and
Málamalama Farm and Center
1120 Kaupakalua Road
Haiku
808-633-3032

RECEIVED
2015 AUG -7 AM 7:31
OFFICE OF THE
COUNTY CLERK



MAUIGROWN COFFEE COMPANY STORE
277 Lahainaluna Road
Lahaina, HI 96761

Phone: (808) 661-2728
www.mauigrowncoffee.com
info@mauigrowncoffee.com

August 6, 2015
RE: EAR-7
ear.committee@mauicounty.us

Aloha,

I am a coffee RETAILER and roaster here in Maui County.

I support EAR-7. This will help agriculture in Maui.

Mahalo!

Jeff Ferguson
MauiGrown Coffee Company Store

RECEIVED
2015 AUG -7 AM 7:31
OFFICE OF THE
COUNTY CLERK

EAR Committee

From: Lars Lind <mauimartha@hawaiiantel.net>
Sent: Wednesday, August 05, 2015 1:31 PM
To: EAR Committee
Subject: EAR-7

Aloha,

We own Olinda Organic Farm, a coffee farm in Upcountry Maui. We grow, process, and roast coffee, as well as several different types of citrus. We urge you support EAR-7 which would allow us and other farmers to build a small stand and sell not only our coffee and produce, but our neighbor's produce as well. Prior to EAR-7 we would need to have a Special Use Permit in order to sell produce and other home-grown products from neighboring farms.

The passage of this bill will provide more opportunities for our own residents and visitors to buy local. It will support local agriculture and family farms, as well as help the local economy. The passage of this bill also brings Maui County code into alignment with Hawaii State law.

We support Bill EAR-7 and urge you to support it also.

Mahalo,

Martha & Rob Lind

Olinda Organic Farm
39 Naniuka Place
Makawao, HI 96768
(808) 572-8306

RECEIVED
2015 AUG -7 AM 7:31
OFFICE OF THE
COUNTY CLERK

EAR Committee

From: The Coffee Store - Maui <info@mauicoffee.com>
Sent: Wednesday, August 05, 2015 11:24 PM
To: EAR Committee
Subject: Testimony in support of EAR-7

Friday, August 7, 2015

EAR-7

Aloha,

I am a coffee roaster here in Maui County.

I support EAR-7. This will help support agriculture in my community.

Mahalo!

Name: Igor Vernik
Name of Farm: Mauicoffee.com
Address: 70 Mahiai Place
Town Makawao
Phone: 573.2020

--

Genius is 99% Coffee and 1% Perseverance

and I am 100% Coffee

That explains why I am not quite the genius I was meant to be

With Aloha, - The Coffee Store Team

The Coffee Store, Online @ www.mauicoffee.com
Refer A Friend - Get A Discount! www.mauicoffee.com/Refer
Like Us On Facebook! www.facebook.com/MauiCoffee
Rate Us On TripAdvisor! www.tripadvisor.com/TheCoffeeStore
Review Us On Yelp! www.yelp.com/TheCoffeeStore
Check Us Out In [Frommers](#), [Fodors](#) and [Gayot](#)

RECEIVED
OFFICE OF THE
COUNTY CLERK

2015 AUG -7 AM 7:31